

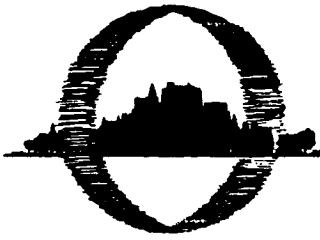
REQUEST FOR COUNCIL ACTION

MEETING

DATE: 7-21-03

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AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E8						
ITEM DESCRIPTION: Zoning District Amendment #03-12 by West 19 th Development. The applicant is proposing to zone approximately 12.93 acres of land to the R-2 (Low Density Residential) zoning district. The property is located east of 60 th Avenue NW, north of 19 th Street NW and west of Circle 19 Plaza Second Subdivision. A General Development Plan is being considered concurrent with this application.		PREPARED BY: Mitzi A. Baker, Senior Planner						
<p>July 14, 2003</p> <p><u>City Planning and Zoning Commission Recommendation:</u></p> <p>The City Planning and Zoning Commission held a public hearing on June 25, 2003, to consider this petition.</p> <p>Mr. Haeussinger moved to recommend approval of Zoning District Amendment #03-12 with staff recommended findings. Mr. Quinn Seconded the motion. The motion carried 7-0.</p> <p><u>Planning Staff Recommendation:</u></p> <p>See attached staff report.</p> <hr/> <p><u>Council Action Needed:</u></p> <p><i>The Council should direct the City Attorney to prepare findings of fact reflecting the Council's decision on this zone change.</i></p> <hr/> <p><i>If the Council approves this zone change as petitioned, it should instruct the City Attorney to prepare an ordinance that can be adopted supported by findings of fact and conclusions of law to amend the Zoning for the property.</i></p> <hr/> <p><u>Distribution:</u></p> <ol style="list-style-type: none">1. City Administrator2. City Attorney: Legal Description attached3. Planning Department File4. McGhie & Betts, Inc.5. Applicant: This item will be considered sometime after 7:00 p.m. on Monday July 21, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE. <hr/> <table border="0"><tr><td>COUNCIL ACTION:</td><td></td><td></td></tr><tr><td>Motion By:</td><td>Seconded By:</td><td>Action:</td></tr></table>			COUNCIL ACTION:			Motion By:	Seconded By:	Action:
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ROCHESTER-OLMSTED PLANNING DEPARTMENT

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COUNTY OF

Olmsted

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TO: City Planning and Zoning Commission

FROM: Mitzi A. Baker, Senior Planner

DATE: June 19, 2003

RE: Zoning District Amendment #03-12 by West 19th Development. The applicant is proposing to zone approximately 12.93 acres of land to the R-2 (Low Density Residential) zoning district. The property is located east of 60th Avenue NW, north of 19th Street NW and west of Circle 19 Plaza Second Subdivision. A General Development Plan is being considered concurrent with this application.

Planning Department Review:

Applicant/Owner: West 19th Development
4410 NW 19th Street
Rochester, MN 55901

Consultants: McGhie & Betts, Inc.
1648 3rd Ave. SE
Rochester, MN 55904

Location of Property: This property is located north of 19th Street NW, south of Badger Ridge development and west of West Circle Drive. A flood control reservoir is located to the west.

Requested Action: The applicant requests 12.93 acres of land be re-zoned from R-1 to R-2 (Low Density Residential).

Existing Land Use: The property is undeveloped and is designated for "low density residential" types of uses on the Rochester Urban Service Area Land Use Plan.

Proposed Land Use: The applicant is proposing to develop this site with low density residential dwellings in the R-2 zoning district. A General Development Plan is being processed concurrent with this application.

Adjacent Land Use and Zoning: Properties in this area are identified for "Low Density Residential" uses on the Land Use Plan.

Transportation Access: General Development Plan application #211 is being processed for this property concurrent with this Zoning District Amendment petition. The GDP identifies a north/south public roadway and a public



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road connection to the east that will likely provide access to the areas proposed for R-2 zoning. No access locations were identified on the GDP, however.

Wetlands:

According to the Soil Survey hydric soils exist south of the area proposed for re-zoning, near 19th Street NW.

Neighborhood Meeting:

A neighborhood meeting was held May 19, 2003. A summary of that meeting is enclosed.

Referral Comments:

1. See comments attached to General Development Plan #211, West 19th Development.

Report Attachments:

1. Location Map
2. Neighborhood Meeting summary

Analysis for Zoning District Amendment:

Under the provisions of Paragraph 60.338 of the Rochester Land Development Manual, the Commission shall recommend for approval and the Council shall approve, an application requesting an amendment to the zoning map if the amendment satisfies the following criteria:

- 1) The criteria of this subdivision apply to those amendments to the zoning map filed by formal petition. An amendment need only satisfy one of the following criteria:
 - a) The area, as presently zoned, is inconsistent with the policies and goals of the Comprehensive Plan;
 - b) The area was originally zoned erroneously due to a technical or administrative error;
 - c) While both the present and proposed zoning districts are consistent with the Plan, the proposed district better furthers the policies and goals of the Comprehensive Plan as found in Chapters 2 and 3 of the Rochester Urban Service Area Land Use Plan, Chapter 3 of the Housing Plan, and Chapter 10 of the ROCOG Long Range Transportation Plan; or
 - d) The area has changed or is changing to such a degree that it is in the public interest to rezone so as to encourage development or redevelopment of the area.

Finding for Proposed R-2: The Rochester Urban Service Area Land Use Plan designates this property as appropriate for "low density residential" types of uses. Uses within the R-2 zoning district would be consistent with the current land use designation. Rezoning this property would help further the policies and goals found in Chapters 2 and 3 of the Rochester Urban Service Area Land Use Plan, which encourage developing a range of densities and development styles. Re-zoning could also help to further goals and policies found within Chapter 3 of the Housing Plan to increase the supply of housing.

The area is changing in that urban development is occurring to the north and east of this property.

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2) The criteria of this subdivision also apply to those amendments to the zoning map filed by formal petition. However, an amendment must satisfy all of the following criteria:

- a) the permitted uses allowed within the proposed zoning district will be appropriate on the subject property and compatible with adjacent properties and the neighborhood; and

Finding for Proposed R-2: Uses allowed within the R-2 zoning district will be appropriate on the property and compatible with adjacent properties . The West 19th Development General Development Plan, being considered concurrent with this re-zoning petition, identifies the area proposed for development in the R-2 district, but does not show potential dwelling unit or roadway layout. This site includes moderate and steep slopes, which will impact overall density and design for development. Detailed site plan /zoning review will occur at a future date, following submittal of detailed site plan applications by the applicant. Development plans should be designed to work with the topography.

- b) the proposed amendment does not involve spot zoning. (Spot Zoning involves the reclassification of a single lot or several small lots to a district which is different than that assigned to surrounding properties, for reasons inconsistent with the purposes set forth in this ordinance, the state enabling legislation, or the decisions of courts in this state).

Proposed R-2: The amendment to R-2 would be consistent with the Rochester Urban Service Area Land Use Plan designation for this property as "low density residential", and would not be considered spot zoning.

Staff Recommendation:

Findings can be made to support this request. Staff recommends approval to zone 12.93 acres R-2 upon annexation to the City of Rochester.

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**Minutes of the Neighborhood Informational Meeting for
West 19th Development
On May 19, 2003 at 7:00p.m. at Harriet Bishop Elementary School**

Attendance: See attached attendance list

Purpose: The purpose of the meeting was to introduce the proposed General Development Plan and zone change from R-1 to R-2 on 12.93 acres. We also wanted to review the potential land uses of medium density residential, potential non-residential land uses along 19th Street N.W., current and future floodway issues and to answer questions and document concerns or issues that may need further investigation or consideration.

General Discussion:

Ms. Clarke, representing McGhie & Betts, Inc and Gary Schueller representing West 19th Development LLC were present for the meeting. There were no other citizens in attendance for this neighborhood informational meeting. Therefore, we have no questions to address from the residents at this time.

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Attendance Roll

NEIGHBORHOOD INFORMATIONAL MEETING

PROJECT: West 19th Development
DATE: Rochester, Minnesota
TIME: May 27, 2003
PLACE: 7:00 p.m.
 Harriet Bishop Elementary School
 Rochester, Minnesota

NAME	ADDRESS	PHONE NO/ FAX NO/ E-MAIL ADDRESS
1. Gary Schueller	4276 48 th NE	287-7715 schueller@deskmedia.com
2. Gosto Clarke	1648 Third Ave SE Rochester	289-3919 Kchrlie@archie.betts.com
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SEE REFERRAL
COMMENTS
ATTACHED TO
GDP #211

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2. Prior to Final Plat submittal, and/or development of this Property, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, stormwater management, transportation improvements, pedestrian facilities, right-of-way dedication, access and extension of utilities for adjacent properties, and contributions for public infrastructure.
3. The GDP does not show any on-site storm water detention for this development. The GDP narrative indicated that the Owner is requesting to participate in the City's Storm Water Management Plan (SWMP) and pay its applicable Storm Water Management fee, in lieu of providing on-site storm water detention. Point discharge to lands outside the City limits will not be permitted without approval by the abutting Owners, and Township Board.
4. Pedestrian facilities are required along the entire frontages of both sides of all new public roadways within this development.
5. The proposed public cul-de-sac will not be publicly maintained until a public street connection is made to the south of this Property. Details regarding interim maintenance of the proposed public cul-de-sac will be addressed in the Development Agreement.
6. The applicant shall execute an Ownership & Maintenance Agreement with the City for the proposed private road, as well as access rights across the private road for the proposed lots that will be located on the proposed public cul-de-sac.
7. Parkland dedication requirements for this development shall be met via cash in lieu of land.

X Zoning District Amendment #03-12 by West 19th Development. The applicant is proposing to zone approximately 12.93 acres of land to the R-2 (Low Density Residential) zoning district. The property is located east of 60th Avenue NW, north of 19th Street NW and west of Circle 19 Plaza Second Subdivision. A General Development Plan is being considered concurrent with this application.

AND

General Development Plan #211 by West 19th Development to be known as West 19th Development. The applicant is proposing to develop approximately 90 acres of land with a variety of land uses consisting primarily of low density residential uses. The plan also identifies potential future medium density and non-residential uses. A Zoning District Amendment is being considered concurrent with this application. The property is located east of 60th Avenue NW, north of 19th Street NW and west of Circle 19 Plaza Second Subdivision.

Ms. Mitzi A. Baker presented the staff reports, dated June 19, 2003, to the Commission. The staff reports are on file at the Rochester-Olmsted Planning Department.

Ms. Baker stated that the applicant's consultant would need to submit revised plans a minimum of two weeks prior to the City Council meeting. She indicated that there is a disagreement on one condition of the general development plan regarding the 30 foot park access being 150 feet

wide. She explained that the reason for the widened access is due to a public park being adjacent to it, as well as potential improvements.

Discussion ensued regarding the 150 foot wide park access.

Mr. Burke asked if the applicant would receive park land credits for the area.

Ms. Baker responded yes.

The applicant's representative, Kristi Clarke of McGhie & Betts (1648 Third Avenue SE, Rochester MN), addressed the Commission. She indicated that the R-2 zoning district would serve as a more natural buffer due to the grade. A major issue for the project is the floodway and flood plain. At this point, they have employed Polaris Group to do some hydrological engineering studies for this project. They intend to reduce the floodway to a 60 foot wide channel. If they can come to an agreement with Public Works of what the channel needs to look like, they will pursue a CLOMR then LOMR through FEMA and DNR.

Ms. Clarke stated they are showing 155 single family lots over 90 acres. 75 percent of the lots would be walk-outs. The homes would be larger than the homes in Badger Ridge.

Ms. Clarke stated that she met with Park and Recreation approximately two months ago. At that time, they were told they didn't need additional neighborhood facilities but just an access. She questioned why a 150 foot wide access would be needed rather than the typical 30 foot wide access. The reason for access along frontages in developments at a specific width is that they need to put so many parking stalls along the street. 50 to 60 feet seems more appropriate since it is only for pedestrian traffic. The applicant would rather pay a fee than to give up two lots.

Ms. Rivas asked if Ms. Clarke would agree to reword the first bullet in condition number 1 to state that the applicant and consultant work with Park and Recreation to find some common ground prior to the City Council with regard to the 150 foot wide access.

Ms. Clarke responded yes.

Discussion ensued regarding reasons for the 150 foot wide access to the parkland.

Ms. Baker stated that the issue could be resolved prior to the City Council. She stated that, if it was not, she could ask that Denny Stotz be present at the City Council meeting to respond to questions.

Ms. Clarke stated that the applicant agreed with all the other staff-recommended conditions.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Ms. Petersson moved to recommend approval of Zoning District Amendment #03-12 by West 19th Development based on the staff-recommended findings. Mr. Quinn seconded the motion. The motion carried 7-0.

Ms. Petersson moved to recommend approval of General Development Plan #211 by West 19th Development to be known as West 19th Development based on the staff-

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recommended findings and conditions, with the clarification that the applicant work out the 150 foot suggested access by Park and Recreation Department prior to being heard by the City Council. Ms. Rivas seconded the motion. The motion carried 7-0.

CONDITIONS:

1. The GDP shall be revised to accommodate the following:
 - The GDP will need to be amended to provide a minimum 150' wide access to the reservoir site, at the west property boundary;
 - Mid-block connections will be required consistent with the Rochester Zoning Ordinance and Land Development Manual regulations;
 - Label "Proposed Medium Density Residential R-3" as "Potential Future Medium Density Residential R-3"; Label "Proposed 60' Floodway Channel" as "Potential Future 60' Floodway Channel";
 - Identify an alternate pond site outside of the existing Floodway, in case the Floodway boundary is not amended;
 - Show a minimum 60' wide right-of-way for 19th St. NW;
 - Identify proposed access locations to serve the "Potential Future Medium Density Residential" area and proposed R-2 areas.
2. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to; substandard street reconstruction charges and Transportation Improvement District charges, transportation improvements including turn lanes and access control, stormwater management, park dedication, pedestrian facilities, right-of-way dedication, dedication of controlled access, access and extension of utilities, phasing of development and contributions for public infrastructure.
3. Pedestrian facilities will be required on both sides of all new public roadways and along the entire frontage of 19th St. NW.
4. At the time of platting: a minimum 60' wide right-of-way dedication will be required for 19th St. NW; controlled access will be required for the entire frontage of 19th St. NW with the exception of any approved roadway access openings; traffic claming measures shall be incorporated into the north/south public roadway along the eastern edge of the property if determined necessary by the City.
5. Parkland dedication shall be met via a combination of land and cash in lieu of as specified in the June 3, 2003 memorandum from Rochester Park and Recreation. This dedication shall include a 150' wide park access to the reservoir site to the west.
6. Future development of the portion of the property in the existing Floodway is contingent upon the applicant successfully amending the Floodway boundary in the future.

Zoning District Amendment #03-11 by Big De Development. The applicant is proposing to zone approximately 2.53 acres of land to the R-2 (Low Density Residential) zoning district. The property is located east of the Bandal North First Subdivision and north of the Boulder Ridge Second Subdivision and south of the future alignment of Overland

